

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE BANK OF NEW YORK MELLON, f/k/a
The Bank of New York, as Trustee for the
Certificateholders of CWALT, Inc., alternative
Loan Trust 2005-65CB, Mortgage Pass-through
Certificates, Series 2005-65CB;

Plaintiff,

v.

SOUTHERN TERRACE HOMEOWNERS
ASSOCIATION, *et al.*,

Defendants.

Case No. 2:17-cv-00984-KJD-EJY

ORDER

Presently before the Court is Defendant Southern Terrace Homeowners' Association's Motion to Retax Costs (#73). Defendant Red Rock Financial Services joined (#74). Plaintiff filed a response in opposition (#75). Essentially, Defendants seek a declaration that they owe no costs, because Plaintiff did not prevail in a claim against them. Alternatively, they essentially seek to have the Court apportion the costs as to particular defendants.

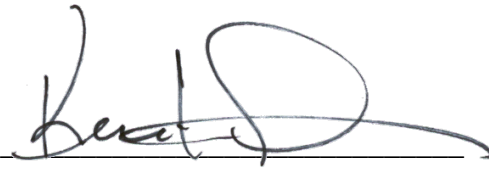
However, the Court disagrees. Plaintiff prevailed against each Defendant and the Court's declaratory judgment found that the purchase of the property at the foreclosure sale was subject to the Bank's first priority lien. Had either of the moving defendants simply notified the Bank of the outstanding HOA superpriority lien consisting of nine months of assessments instead of demanding the full, outstanding balance, then the litigation could have been avoided entirely. Further, the effect of Local Rule 54-1, and the practice of the Court and Clerk of the Court, is to award costs jointly and severally. Defendants have cited no case law supporting their position.

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1 Accordingly, IT IS HEREBY ORDERED that Defendant Southern Terrace
2 Homeowners' Association's Motion to Retax Costs (#73) is **DENIED**.

3 Dated this 15th day of January, 2021.

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6 Kent J. Dawson
7 United States District Judge
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